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December 7, 1999

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Bonita R. Gladden

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants : Mich B. Hein et al.  
Application No. : 09/005,318  
Filed : January 9, 1998  
For : NOVEL EPITHELIAL TISSUE TARGETING AGENT

Examiner : David S. Romeo  
Art Unit : 1646  
Docket No. : 310098.401C1  
Date : December 7, 1999

Assistant Commissioner for Patents  
Washington, DC 20231

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated November 7, 1999, Applicants elect, with traverse, to pursue the biological agent gentamycin.

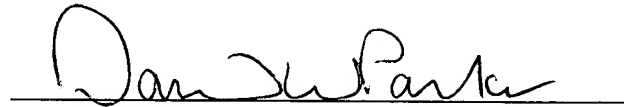
Applicants request that the Examiner reconsider and withdraw this requirement for a species election. Among antibiotics, there are numerous closely related compounds that would be expected to function similarly within the context of the present invention. The selection of particular antibiotics is not a key aspect of the present invention. Applicants further submit that the examination of the present claims, without this additional species election, would not result in a serious burden on the Examiner. A search of prior art directed to targeting molecules would reveal any prior art disclosing such compounds, regardless of the specific biological agent linked thereto. Since there is no apparent undue burden on the Examiner, Applicants request that this requirement for a species election be withdrawn.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the requirement for a species election within Group I. Applicants request an examination of claims 1-31 and 36-41 on the merits.

Respectfully submitted,

Mich B. Hein et al.

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